

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK

In re TERRORIST ATTACKS ON
SEPTEMBER 11, 2001

Case No. 1:03-md-01570-GBD-SN

This document relates to:

*The Underwriting Members of Lloyd's
Syndicate 2, et al. v. Al Rajhi Bank, et al.,
No. 16-cv-7853; Aguilar, et al. v. Kingdom of
Saudi Arabia, et al., No. 16-cv-09663;
Addesso, et al. v. Kingdom of Saudi Arabia, et
al., No. 16-cv-09937; Hodges, et al. v.
Kingdom of Saudi Arabia, et al., No. 17-cv-
00117; Aiken, et al. v. Kingdom of Saudi
Arabia, et al., No. 17-cv-00450; Charter Oak
Fire Insurance Co., et al. v. Al Rajhi Bank, et
al., No. 17-cv-02651; Abarca, et al., v.
Kingdom of Saudi Arabia, et al., No. 17-cv-
03887; Arrowood Indemnity Co., et al. v.
Kingdom of Saudi Arabia, et al., No. 17-cv-
03908; Abedhajajreh v. Kingdom of Saudi
Arabia, et al., No. 17-cv-06123; Fraser, et al.
v. Al Qaeda Islamic Army, et al., No. 17-cv-
07317; Muenchener Rueckversicherungs-
Gesellschaft Aktiengesellschaft in Muenchen, et
al. v. Kingdom of Saudi Arabia, et al.,
No. 17-cv-07914; and Abbate, et al. v.
Kingdom of Saudi Arabia, et al., No. 17-cv-
08617.*

**DECLARATION OF NICOLE ERB IN SUPPORT OF
AL RAJHI BANK'S RENEWED MOTION TO DIMISS**

I, Nicole Erb, declare as follows:

1. I am an active member in good standing of the bar of New York and a Partner in the law firm of White & Case LLP. I am counsel for Defendant Al Rajhi Bank in the above-captioned matter. I have personal knowledge of the facts set forth herein.

2. I submit this declaration in connection with Al Rajhi Bank's Renewed Motion to

Dismiss.

3. As detailed in Al Rajhi Bank's Opposition to Plaintiffs' Second Motion to Compel (Mar. 17, 2023), ECF No. 8935, Al Rajhi Bank conducted reasonable searches for all discovery requests ordered by the Court and produced all responsive, non-privileged documents. Opp. to 2d Mot. to Compel 1; *see also id.* at Ex. 2 (ECF No. 6993-2) (Jan. 27, 2023 Letter to Plaintiffs), *id.* at Ex. 3 (ECF No. 6993-3) (Feb. 28, 2023 Letter to Plaintiffs), & Ex. 16 to Pls. 2d Mot. to Compel (ECF No. 8904-16) (Jan. 19, 2023 Letter to Plaintiffs) (letters from the Bank's counsel to Plaintiffs detailing the Bank's search methodologies).

4. The Bank produced 1,084 documents, totaling 42,250 pages.

5. The Bank's production included:

- 508 statements of accounts, including 440 statements of accounts of charity customers.
- 328 customer information files, which include know-your-customer information and customer correspondence, totaling 3,767 pages.
- 209 documents reflecting communications between the Bank and its regulator, SAMA, after September 11, 2001.

6. Attached as Exhibit 1 is a true and correct copy of the Expert Report of Aimen Dean, dated December 22, 2023.

7. Attached as Exhibit 2 is a true and correct copy of the Expert Report of Fawzi Al-Hobayb, dated November 21, 2023.

8. Attached as Exhibit 3 is a true and correct copy of the Expert Report of Robert Pasley, dated December 18, 2023.

9. Attached as Exhibit 4 is a true and correct copy of the Expert Report of Dennis Lormel, dated December 22, 2023.

10. Attached as Exhibit 5 is a true and correct copy of a document bearing Bates number ARB-00038774, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

11. Attached as Exhibit 6 is a true and correct copy of a document bearing Bates number ARB-00040369, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

12. Attached as Exhibit 7 is a true and correct copy of EO14040-000010, which is marked as Jonathan Winer Deposition Exhibit 5.

13. Attached as Exhibit 8 is a true and correct copy of a document bearing Bates number ARB-00039558, which was produced by Al Rajhi Bank in this litigation.

14. Attached as Exhibit 9 is a true and correct copy of a Press Release from the U.S. Department of the Treasury, titled “The United States and Italy Designate Twenty-Five New Financiers of Terror,” dated August 29, 2002.

15. Attached as Exhibit 10 is a true and correct copy of a Press Release from the U.S. Department of the Treasury, titled “Designation of 10 Terrorist Financiers Fact Sheet,” dated April 19, 2002.

16. Attached as Exhibit 11 is a true and correct copy of EO14040-002135.

17. Attached as Exhibit 12 is a true and correct copy of the Affidavit of Abdullah Awad Bin Laden, dated November 19, 2005.

18. Attached as Exhibit 13 is a true and correct copy of a webpage titled, “Al Rajhi Bank 2023 Fact Sheet,” obtained from https://www.alrajhibank.com.sa/-/media/Project/AlrajhiPWS/Shared/Home/about-alrajhi-bank/Investor_Relation/Financial-Materials/2023/Q3/Fact-Sheet/FactSheet-3Q2023.pdf on May 6, 2024.

19. Attached as Exhibit 14 is a true and correct copy of a webpage titled, “Al Rajhi Bank, Company Profile Main Market,” obtained from https://www.saudiexchange.sa/wps/portal/saudiexchange/hidden/company-profile-main!/ut/p/z1/04_Sj9CPykssy0xPLMnMz0vMAfljo8ziTR3NDIw8LAz83d2MXA0C3SydA11c3Q0NvE30I4EKzBEKDMKcTQzMDPxN3H19LAzdTU3lw8syU8v1wwkpK8hOMgUA-oskdg!/?companySymbol=1120 on May 6, 2024.

20. Attached as Exhibit 15 is a true and correct copy of Economist Intelligence Unit (EIU) Financial Services Report: Banks, August 23, 2010.

21. Attached as Exhibit 16 is a true and correct copy of Al Rajhi Bank’s 2001 Annual Report.

22. Attached as Exhibit 17 is a true and correct copy of Al Rajhi Bank’s General Policies and Authorizations Guide, November 1998.

23. Attached as Exhibit 18 is a true and correct copy of SAMA Circular 02419-BCL-142, July 4, 1996.

24. Attached as Exhibit 19 is a true and correct copy of Al Rajhi Bank’s Internal Audit Plan for the Fiscal Year 1999.

25. Attached as Exhibit 20 is a true and correct copy of Al Rajhi Bank’s Internal Audit Plan for the Fiscal Year 2001.

26. Attached as Exhibit 21 is a true and correct copy of Al Rajhi Bank’s Authorities of the Audit Committee Manual, June 10, 1997.

27. Attached as Exhibit 22 is a true and correct copy of Banking Control Law (Royal Decree No. M/5 of June 11, 1966).

28. Attached as Exhibit 23 is a true and correct copy of a document bearing Bates

number ARB-00038699, marked as Abdullah Al Rajhi Deposition Exhibit 41.

29. Attached as Exhibit 24 is a true and correct copy of a document bearing Bates number ARB-00014545, marked as Abdullah Al Rajhi Deposition Exhibit 30.

30. Attached as Exhibit 25 is a true and correct copy of a document bearing Bates number ARB-00014546, marked as Abdullah Al Rajhi Deposition Exhibit 29.

31. Attached as Exhibit 26 is a true and correct copy of a document bearing Bates number ARB-00039505, marked as Abdullah Al Rajhi Deposition Exhibit 34.

32. Attached as Exhibit 27 is a true and correct copy of a document bearing Bates number ARB-00039409, which was produced by Al Rajhi Bank in this litigation.

33. Attached as Exhibit 28 is a true and correct copy of the Deposition Transcript of Jonathan Winer, dated January 12, 2024, and the Errata, dated March 19, 2024.

34. Attached as Exhibit 29 is a true and correct copy of a document bearing Bates number ARB-00013678, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

35. Attached as Exhibit 30 is a true and correct copy of a document bearing Bates number ARB-00000843, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same, marked as Jonathan Winer Deposition Exhibit 3.

36. Attached as Exhibit 31 is a true and correct copy of a document bearing Bates number ARB-00000845, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

37. Attached as Exhibit 32 is a true and correct copy of a document bearing Bates number ARB-00000846, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

38. Attached as Exhibit 33 is a true and correct copy of a document bearing Bates number ARB-00000848, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

39. Attached as Exhibit 34 is a true and correct copy of a document bearing Bates number ARB-00013775, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

40. Attached as Exhibit 35 is a true and correct copy of a document bearing Bates number ARB-00013777, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

41. Attached as Exhibit 36 is a true and correct copy of an article from Al Jazeera English, titled “Saudi Donates Billions to Charity,” dated May 15, 2011.

42. Attached as Exhibit 37 is a true and correct copy of an article from Business Insider, titled “20 Most Generous People in the World,” dated October 12, 2015.

43. Attached as Exhibit 38 is a true and correct copy of a document bearing Bates number ARB-00013527, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

44. Attached as Exhibit 39 is a true and correct copy of a document bearing Bates number ARB-00037838, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

45. Attached as Exhibit 40 is a true and correct copy of a document bearing Bates number ARB-00037502, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

46. Attached as Exhibit 41 is a true and correct copy of a document bearing Bates

number ARB-00038585, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

47. Attached as Exhibit 42 is a true and correct copy of a document bearing Bates number ARB-00038613, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

48. Attached as Exhibit 43 is a true and correct copy of a document bearing Bates number ARB-00038741, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

49. Attached as Exhibit 44 is a true and correct copy of a document bearing Bates number ARB-00038837, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

50. Attached as Exhibit 45 is a true and correct copy of the U.S. Department of the Treasury's "OFAC Counter Terrorism Designation Removals," dated November 26, 2014.

51. Attached as Exhibit 46 is a true and correct copy of Al Rajhi Bank's Letter to Plaintiffs, dated December 17, 2021.

52. Attached as Exhibit 47 is a true and correct copy of Al Rajhi Bank's Letter to Plaintiffs, dated January 14, 2022.

53. Attached as Exhibit 48 is a true and correct copy of the Statement of Account of Muhammad Osaimi, for the date June 22, 2002.

54. Attached as Exhibit 49 is a true and correct copy of Statement of Account of Muhammad Osaimi, for the date August, 8, 2000.

55. Attached as Exhibit 50 is a true and correct copy of the Deposition Transcript of Fawzi Hobayb, dated February 9, 2024, and the Errata, dated April 12, 2024.

56. Attached as Exhibit 51 is a true and correct copy of EO14040-000640.

57. Attached as Exhibit 52 is a true and correct copy of a Press Release from the U.S. Department of the Treasury, titled “Treasury Designates Director, Branches of Charity Bankrolling Al Qaida Network,” dated August 3, 2006, marked as Abdullah Al Rajhi Deposition Exhibit 28.

58. Attached as Exhibit 53 is a true and correct copy of Hobayb’s Declaration in Support of Expert Report, dated April 12, 2024.

59. Attached as Exhibit 54 is a true and correct copy of Al Rajhi Bank’s Certified Translation of Plaintiffs’ Exhibit 81.

60. Attached as Exhibit 55 is a true and correct copy of Plaintiffs’ Letter to Al Rajhi Bank, dated February 1, 2022.

61. Attached as Exhibit 56 is a true and correct copy of a document bearing Bates number ARB-00038818, marked as Abdullah Al Rajhi Deposition Exhibit 40.

62. Attached as Exhibit 57 is a true and correct copy of a document bearing Bates number ARB-00014547, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

63. Attached as Exhibit 58 is a true and correct copy of a document bearing Bates number ARB-00014554, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

64. Attached as Exhibit 59 is a true and correct copy of the Office of Foreign Assets Control, *Specially Designated Nationals and Blocked Persons List*, dated May 3, 2024.

65. Attached as Exhibit 60 to the separately filed Second Erb Declaration is a true and correct copy of Al Rajhi Bank’s Objections to Plaintiffs’ Corrected Averment Exhibits.

66. Attached as Exhibit 61 is a true and correct copy of the Deposition Transcript of Dennis Lormel, dated February 1, 2024, and the Errata, dated March 22, 2024.

67. Attached as Exhibit 62 is a true and correct copy of a document bearing Bates number ARB-00014300, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

68. Attached as Exhibit 63 is a true and correct copy of a webpage titled, “History of the Financial Action Task Force,” obtained from <https://www.fatf-gafi.org/en/the-fatf/history-of-the-fatf.html#:~:text=History%20of%20the%20FATF&text=The%20Financial%20Action%20Task%20Force,Commission%20and%20eight%20other%20countries.> on May 6, 2024, marked as Jonathan Winer Deposition Exhibit 11.

69. Attached as Exhibit 64 is a true and correct copy of a document bearing Bates number ARB-00039373, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

70. Attached as Exhibit 65 is a true and correct copy of a document bearing Bates number ARB-00039586, which was produced by Al Rajhi Bank in this litigation.

71. Attached as Exhibit 66 is a true and correct copy of a document bearing Bates number ARB-00014391, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

72. Attached as Exhibit 67 is a true and correct copy of the 1995 Guidelines for Prevention of Money Laundering, and a certified English Translation of the same.

73. Attached as Exhibit 68 is a true and correct copy of a letter from Al Rajhi Bank to Plaintiffs, dated January 19, 2023.

74. Attached as Exhibit 69 is a true and correct copy of Plaintiffs’ Subpoena on CIA,

dated October 19, 2021.

75. Attached as Exhibit 70 is a true and correct copy of Plaintiffs' Subpoena on FBI, dated November 5, 2021.

76. Attached as Exhibit 71 is a true and correct copy of a letter from Plaintiffs to Al Rajhi Bank, dated December 20, 2021.

77. Attached as Exhibit 72 is a true and correct copy of a letter from Plaintiffs to Al Rajhi Bank, dated October 18, 2022.

78. Attached as Exhibit 73 is a true and correct copy of Executive Order No. 13, 099, 63 Fed. Reg. 45,167, dated August 20, 1998.

79. Attached as Exhibit 74 is a true and correct copy of a document bearing Bates number ARB-00001016, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

80. Attached as Exhibit 75 is a true and correct copy of a document bearing Bates number ARB-00001018, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

81. Attached as Exhibit 76 is a true and correct copy of a document bearing Bates number ARB-00014524, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

82. Attached as Exhibit 77 is a true and correct copy of a letter from Al Rajhi Bank to Plaintiffs, dated February 28, 2023.

83. Attached as Exhibit 78 is a true and correct copy of a document bearing Bates number ARB-00039724, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

84. Attached as Exhibit 79 is a true and correct copy of a document bearing bates number ARB-00000001, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

85. Attached as Exhibit 80 is a true and correct copy of a document bearing Bates number ARB-00000960, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same, marked as Jonathan Winer Deposition Exhibit 13.

86. Attached as Exhibit 81 is a true and correct copy of a document bearing Bates number ARB-00000850, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

87. Attached as Exhibit 82 is a true and correct copy of a document bearing Bates number ARB-00000856, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

88. Attached as Exhibit 83 is a true and correct copy of a document bearing Bates number ARB-00000836, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same, marked as Jonathan Winer Deposition Exhibit 6.

89. Attached as Exhibit 84 is a true and correct copy of a document bearing Bates number ARB-00000811, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

90. Attached as Exhibit 85 is a true and correct copy of a document bearing Bates number ARB-00041951, which was produced by Al Rajhi Bank in this litigation, and a certified English Translation of the same.

91. Attached as Exhibit 86 is a true and correct copy of a document bearing Bates number ARB-00000841, which was produced by Al Rajhi Bank in this litigation, and a certified

English Translation of the same.

92. Attached as Exhibit 87 is a true and correct copy of a document bearing Bates number ARB-00039402, which was produced by Al Rajhi Bank in this litigation.

93. Attached as Exhibit 88 is a true and correct copy of SANA-BELL0001, as produced to the Bank by Plaintiffs.

94. Attached as Exhibit 89 is a true and correct copy of a document bearing Bates number ARB-00039593, marked as Abdullah Al Rajhi Deposition Exhibit 24.

95. Attached as Exhibit 90 is a true and correct copy of MWLIIRO-00016825, as produced to the Bank by Plaintiffs.

96. Attached as Exhibit 91 is a true and correct copy of MWLIIRO-00032668, as produced to the Bank by Plaintiffs.

97. Attached as Exhibit 92 is a true and correct copy of a document bearing Bates number ARB-00038772, marked as Abdullah Al Rajhi Deposition Exhibit 39.

98. Attached as Exhibit 93 is a true and correct copy of the Deposition Transcript of Evan Kohlmann, dated January 11, 2024, and the Errata, dated March 18, 2024.

I declare under penalty of perjury that the foregoing is true and correct.

Executed on June 6, 2024.

/s/ Nicole Erb

Nicole Erb